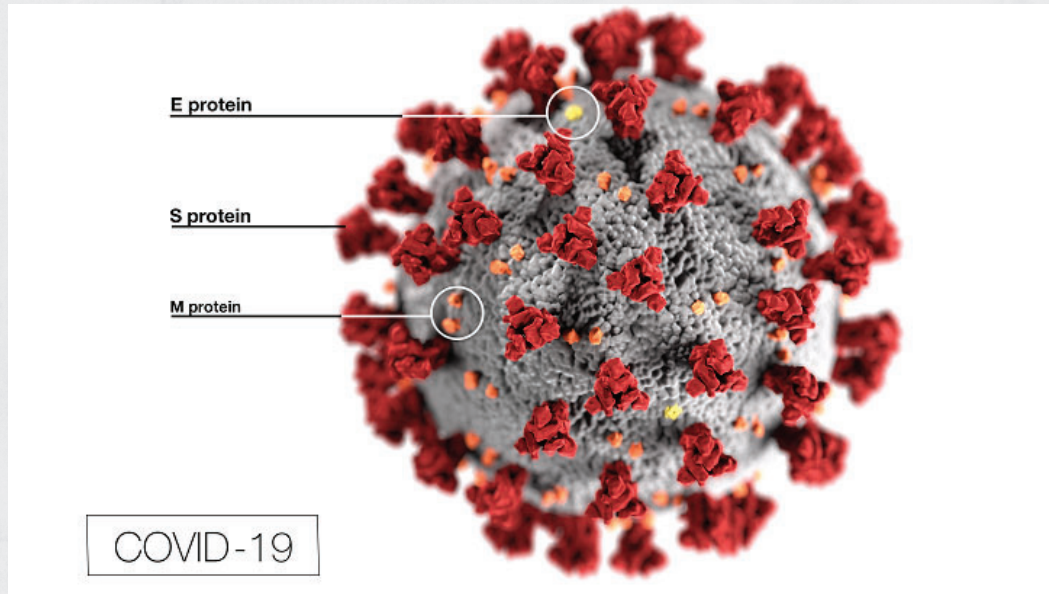


# Case Of The Month: Justice In A Time Of Epidemic

Judge Mark Davidson



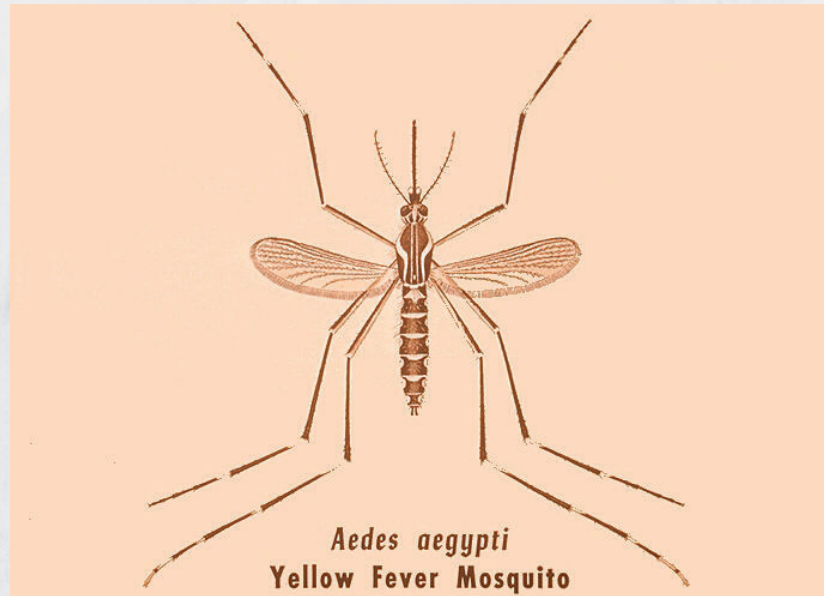
This illustration, created at the Centers for Disease Control and Prevention (CDC), reveals ultrastructural morphology exhibited by coronaviruses. The illness caused by this virus has been named coronavirus disease 2019 (COVID-19). (CDC Illustration).

This is being written at a time in which the novel coronavirus has hopefully peaked in our community, and in which our system of justice is operating without jurors and with limited in-person hearings at the Courthouse. The precautions being taken are wise, but they are not unprecedented in the history of our County. In the County's first seventy-five years, there were numerous epidemics that swept through our community, all with tragic results.

Yellow Fever, so named because an affected individual would become jaundiced, swept through Houston numerous times. Originating in Africa, the mosquitoes that carried the fever arrived in Texas aboard slave ships. Yellow Fever caused many deaths during the summers.

One of the epidemics, in 1867, resulted in ten percent of the population of the city of Houston dying. Fortunately, in those days, the District Court only was in session in Harris County in March and November, which was not prime mosquito season.

## Case Of The Month, CONT.



**Diagram of the *Aedes aegypti*, a Yellow Fever carrying mosquito.**

By 1873, things had changed. The population of the city had grown to the point that the County had a judge who sat here virtually all year. A September term of Court had been authorized by law, and Judge James Masterson announced that he would hold Court. Judge Masterson was new to the bench and eager to administer justice.

Sadly, Yellow Fever swept through Galveston, killing several hundred people. To prevent the same thing from happening here, a group of distinguished members of the Houston bar filed a motion for continuance to seek postponement of the judicial proceedings until the problem had subsided. The first name on the petition, Thomas Botts was, of course, one of the founders of the firm of Baker Botts.

Just as the clerks, lawyers, and litigants made it through epidemics past, we will do the same today.

We will, as recently stated by Queen Elizabeth II, "Take comfort that while we may have more still to endure, better days will return; we will be with our friends again; we will be with our families again; we will meet again."